

APRIL 14, 2021 MEETING MINUTES REGISTRY OF ELECTION FINANCE

The Registry of Election Finance Board (“the Board” or “the Registry”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 10:00 AM on Wednesday, April 14, 2021 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Multimedia Room of the 3rd Floor Conference Center.

Presiding over the meeting was Chairperson David Golden. Attending the meeting were Board Members Paige Burcham-Dennis, Tom Lawless, Tom Morton, Henry Fincher, and Paz Haynes. Member Burcham-Dennis participated electronically via telephone. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams, and Director of Audit Jay Moeck also attended the meeting. The meeting was open to the public. Social distancing measures were observed, and all attending wore masks as part of the COVID-19 containment efforts. Members of the public were also permitted to participate in the meeting remotely via telephone. This meeting was recorded via audio recording.

Member Lawless confirmed that a physical quorum of the members was present at the meeting. Member Lawless also moved to allow Member Burcham-Dennis to participate in the meeting remotely via telephone due to a last-minute scheduling conflict. Member Morton seconded the motion, which was unanimously approved by voice vote.

Approval of Meeting Minutes

Member Lawless moved to approve the minutes of the Registry’s February 10, 2021 meeting. Member Morton seconded the motion, which was unanimously approved by voice vote.

Member Lawless moved to proceed with the remaining agenda items out of order to first address those items in which a representative(s) had personally appeared at the meeting or via telephone. Member Haynes seconded the motion, which was unanimously approved by voice vote. *(Although the items on the agenda were taken out of order, these minutes will continue to reflect the scheduled order of events according to the published agenda. Member Paige Burcham Dennis left the meeting at the Board’s break for lunch and did not participate in the remainder of the meeting; however, a physical quorum of members remained).*

Discussion and further review of Sworn Complaints

Todd Warner, Case No. C20-06; Faith Family Freedom Fund (FFFF), Case No. C20-07

Executive Director Young presented a short summary of the history of these complaints and the allegations within the complaints. Member Lawless moved to reconsider the Board’s earlier actions in these matters. Member Haynes seconded the motion, which was unanimously approved by roll call vote, 6-0.

The complainant, Gregory Hazelwood, participated in the meeting by phone. Attorney Peter Strianse appeared on behalf of Representative Warner. No representative appeared on behalf of Faith Family Freedom Fund.

The members of the Board asked questions of Mr. Hazelwood regarding the allegations in his complaints and his absence at the Board's prior meeting to discuss the complaints. The members of the Board asked questions of Mr. Strianse regarding the complaint(s) and Representative Warner's campaign activities and disclosures. In the course of the questioning, Member Fincher moved to strike Mr. Strianse's response to a question as non-responsive and to request the Chair direct that Mr. Strianse answer the question. The motion failed for lack of a second. Member Fincher then moved to issue a show cause notice to conduct additional investigation regarding the expenditures referenced in the complaint and the purpose of those expenditures. The motion failed for lack of a second.

Member Fincher then moved to conduct an audit of Representative Warner. Member Morton offered a friendly amendment to the motion, which was accepted, that the contemplated audit should be limited to addressing only the issues raised in the two complaints which were within the jurisdiction of the Board during the time frame covered in the complaints. Member Morton seconded the amended motion. After additional discussion regarding the scope of the audit, Member Lawless called the question. After further discussion regarding the motion and the scope of the audit, the motion was unanimously approved by roll call vote, 6-0.

Audits

Bill Ketron, Case No. 21-01 (Mayor); Bill Ketron, Case No. 20-74 (Senate); Quest PAC, Case No. 20-75

Member Tom Lawless recused himself as to these cases and did not participate in the discussion of these matters.

Mayor Bill Ketron appeared at the meeting and was represented by Attorneys Aubrey B. Harwell III and Erik Lybeck. Both Mr. Harwell and Mayor Ketron presented statements to the Board and answered questions from the Board members.

The members extensively discussed the possible approaches to take in their consideration of whether and how to assess civil penalties in these matters. Member Morton moved to assess civil penalties of \$500 per violation, noting that the audit found 474 violations of law, and thus the total amount of the civil penalties assessed would be \$237,000, with the following stipulations: 1) the civil penalties would be paid within a reasonable period of time; 2) the civil penalties assessed against Mayor Ketron in Case Nos. 18-56, 19-78, 18-13, 18-30, 18-76, 19-26, 19-27, and 19-45 would be revoked/rescinded if the \$237,000 civil penalties assessed in these matters were paid within the agreed upon time frame; and 3) Mayor Ketron would promptly close the Ketron Senate and Quest PAC campaign financial disclosure accounts. This motion was seconded by Member Haynes and discussion of the motion continued. The motion was ultimately withdrawn.

Member Haynes moved to assess total civil penalties of \$135,000, representing civil penalties of \$45,000 each in case numbers 21-01, 20-74, and 20-75, subject to the following stipulations: 1) the total civil penalties must be paid within a reasonable period of time in accordance with a payment plan authorized by the Board at a later date, with the assessment remaining subject to modification until the conclusion of the payment plan; 2) the civil penalties already assessed in Case Nos. 18-56, 19-78, 18-13, 18-30, 18-76, 19-26, 19-27, and 19-45 would be revoked/rescinded if the assessed \$135,000 civil penalties are paid in accordance with the

terms of the payment plan; and, 3) Mayor Ketron must close the Ketron Senate and Quest PAC campaign financial disclosure accounts with the Registry. The motion was seconded and unanimously approved by a roll call vote, 4-0. (Member Lawless recused; Member Burcham-Dennis not present.)

Discussion and review of Bill Ketron, Case Nos. 18-56 and 19-78 and Quest PAC, Case Nos. 18-13, 18-30, 18-76, 19-26, 19-27, and 19-45; Bill Ketron, Case No. 20-51 (2020 Annual Mid-Year Supplemental)

Member Haynes moved to reconsider the civil penalties previously assessed in Case Nos. 18-56, 19-78, 18-13, 18-30, 18-76, 19-26, 19-27, and 19-45 and to take no action on these matters, with the understanding that the Board reserves the right to reconsider its action on these matters if the aforementioned assessed \$135,000 civil penalties are not paid and the remaining conditions associated with this civil penalties assessment are not satisfied. Member Haynes also moved to take no action with regard to Case No. 20-51, subject to the same conditions. The motions were seconded and unanimously approved by roll call vote, 4-0. (Member Lawless recused; Member Burcham-Dennis not present.)

Member Lawless moved to direct the Executive Director and/or General Counsel to, within 24-48 hours, inform the Office of the Attorney General in writing that no further action by the Attorney General's Office is required at this time relative to Case Nos. 18-56, 19-78, 18-13, 18-30, 18-76, 19-26, 19-27, and 19-45 and to request the return of all records relating to these matters. Member Haynes seconded the motion, which was unanimously approved by voice vote, 5-0. (Member Burcham-Dennis was not present).

Discussion of several political campaign committees ("PACs") failure to register/file with the Rutherford County Election Commission

Executive Director Young presented a short summary of this matter, noting that the Audits discussed above had identified several PACs that had failed to register or file with the Rutherford County Election Commission as required by Tennessee statute either prior to or after making contributions to Mayor Ketron's mayoral campaign. However, after receiving notification from the Board's staff, each of these entities, save one, had submitted the required registrations and disclosures. No further action was recommended at this time.

Update on administrative hearing on Durham PAC, Case No. 17-63 (Contested Case Hearing)

General Counsel Topping presented a short status update and summary regarding this matter and related matters. No further action was recommended or taken.

Update of litigation re 2021 Annual PAC Fee

Executive Director Young presented an update regarding this litigation. No further action was recommended or taken.

Discussion and request to eliminate vacant Bureau staff positions

Executive Director Young presented a short summary of the history relating to this request and recommended that the Bureau's vacant staff positions be eliminated, and the money budgeted for these positions be reallocated for other purposes. No objections were raised to the Executive Director's recommendations.

Requests for Reconsideration

Terry Clayton, Case No. 20-73

Member Haynes recused himself from the discussion and any vote on this matter. Member Lawless disclosed a prior relationship with Mr. Clayton but stated that he did not believe this relationship presented a conflict; therefore, Mr. Lawless did not recuse. Mr. Clayton appeared at the meeting and presented a statement to the Board concerning the circumstances surrounding this matter. Member Lawless moved to reconsider the assessment of civil penalties in this matter. Member Morton seconded the motion, which was approved by a roll call vote, 5-0. Member Lawless then moved to assess civil penalties of \$150. Member Morton seconded the motion, which was approved by a roll call vote, 5-0.

Tammie Fuller, Case No. 19-64

Ms. Fuller was not present at the meeting but did submit statements for the Board's consideration in advance of the meeting. Member Lawless moved to reconsider the assessment of the civil penalty in this matter. Member Morton seconded the motion, which was approved by a roll call vote, 5-0. This matter was consolidated with Ms. Fuller's additional open matters (show cause hearing in Case No. 19-77). Member Lawless moved to take no further action regarding Case Nos. 19-64 and 19-77. Member Fincher seconded the motion, which was unanimously approved by voice vote (5-0) (Member Burcham-Dennis was not present for these votes).

People for the American Way, Case No. 20-71

A representative, Diane Laviolette, appeared on behalf of the PAC by telephone and made a statement to the Board. Member Haynes moved to reconsider the assessment of civil penalties in this matter. Member Fincher seconded the motion, which was approved by a roll call vote, 4-2 (Members Lawless and Morton opposed). Member Fincher moved to assess civil penalties of \$150. Member Burcham-Dennis seconded the motion. Member Lawless moved to amend the motion to assess civil penalties of \$500. The amendment was unanimously accepted. The motion to assess civil penalties of \$500 was approved by a roll call vote, 6-0.

West TN Cream of the Crop, Case No. 20-30

A representative, Tim Wirgau, appeared on behalf of the PAC and made a statement to the Board. Member Lawless moved to reconsider the assessment of civil penalties in this matter. Member Fincher seconded the motion, which was approved by a roll call vote, 6-0. Member Lawless moved to take no further action. Member Fincher seconded the motion, which was approved by a roll call vote, 6-0.

Show Cause Hearing

Woody Degan, Case No. 18-18 (previously 13-18)

Mr. Degan participated in the meeting by phone and made a statement to the Board. Member Fincher moved to take no action in this matter. Member Lawless seconded the motion, which was unanimously approved by voice vote.

Grant Medeiros, Case No. 21-06

Mr. Medeiros was represented by Attorney Kevin Teets and both personally appeared at the meeting. An affidavit was submitted to the Board in advance of the meeting. Mr. Teets made a statement to the Board. Member Fincher moved to take no action in this matter. Member Lawless seconded the motion, which was unanimously approved by voice vote.

Statement Submitted

Chelsea Camp, Case No. 21-04

Ms. Camp did not attend the meeting and was not represented; however, a statement was submitted to the Board in advance of the meeting, which included an incomplete attempt to submit the required disclosure report. Member Morton moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Jarvus Montez Turnley, Case No. 21-07 (Pre-General)

Mr. Turnley did not attend the meeting and was not represented; however, a statement was submitted to the Board in advance of the meeting. Member Morton moved to assess a civil penalty of \$250. Member Fincher seconded the motion, which was unanimously approved by roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Memphis Leaders for Kids PAC, Case No. 20-67 (Pre-Primary); Memphis Leaders for Kids PAC, Case No. 21-10 (Pre-General)

These matters were consolidated and addressed together. A representative of the PAC did not attend the meeting; however, a statement was submitted to the Board in advance of the meeting. Member Fincher moved to assess a civil penalty of \$75 per matter (total \$150). The motion was seconded by Member Haynes and approved by a roll call vote, 4-1 (Member Lawless opposed. Member Burcham-Dennis was not present for this vote).

Patient Access to Addiction Treatment (PATAT), Case No. 20-68 (2nd Quarter); Patient Access to Addiction Treatment (PATAT), Case No. 20-69 (Pre-Primary); Patient Access to Addiction Treatment (PATAT), Case No. 20-70 (3rd Quarter)

These matters were consolidated and addressed together. A representative of the PAC did not attend the meeting; however, a statement was submitted to the Board in advance of the meeting. Member Morton moved to assess a maximum civil penalty of \$550 in Case No. 20-68, \$550 in Case No. 20-69, and \$400 in Case No. 20-70 (total \$1500). Member Lawless seconded

the motion, which was approved by a roll call vote, 4-0 (Member Haynes abstains, Member Burcham-Dennis was not present for this vote).

Consideration of Civil Penalty Orders

Julie Byrd Ashworth, Case No. 21-02 (Pre-General)

Ms. Ashworth did not participate in the meeting and did not submit a statement in advance of the meeting. The Board's records reflect that Ms. Ashworth failed to file a Pre-General campaign finance disclosure report. Member Lawless moved to assess a civil penalty of ten thousand dollars (\$10,000). Member Morton seconded the motion, which was approved by a roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Dennis Doster, Case No. 20-47 (Pre-Primary); Dennis Doster, Case No. 20-48 (3rd Quarter)

Attorney Beau Pemberton appeared as a representative for Mr. Doster and participated by telephone. Mr. Pemberton made a statement to the Board. Member Lawless moved to consolidate Case Nos. 20-47 and 20-48 and to assess a civil penalty of \$200 in each case (total \$400). Member Lawless also moved to take no action on the other matter before the Board at Item 13 of the Agenda. Member Morton seconded the motion, which was unanimously approved by roll call vote, 6-0.

JoAnne Favors, Case No. 20-06 (2019 Annual Year-End Supplemental)

Ms. Favors was not present and was not represented at the meeting. Member Lawless moved to defer further consideration of all matters before the Board pertaining to Ms. Favors to the Board's next regularly scheduled meeting. Member Morton seconded the motion, which was unanimously approved by voice vote.

Tammie Fuller, Case No. 19-77 (Pre-General); Tammie Fuller, Case No. 19-77 (3rd Quarter); Tammie Fuller, Case No. 19-77 (4th Quarter)

These matters were addressed in conjunction with Case No. 19-64 above. See above.

Torrey Harris, Case No. 21-05

Representative Harris was present at the meeting and made a statement to the Board. Member Lawless moved to take no action on this matter. Member Fincher seconded the motion, which was unanimously approved by voice vote.

Charles A. Thompson, Case No. 20-56; Charles A. Thompson, Case No. 20-57; Charles A. Thompson, Case No. 20-58

Mr. Thompson did not participate in the meeting and did not submit a statement in advance of the meeting. Member Lawless moved to assess a civil penalty of \$10,000 each in Case Nos. 20-56 and 20-57. Member Fincher seconded the motion, which was approved by roll call vote, 5-0. Member Lawless moved to assess a civil penalty of \$425.00 in Case No. 20-58. Member

Fincher seconded the motion, which was approved by roll call vote, 5-0. (Member Burcham-Dennis was not present for these votes).

Rob White, Case No. 21-08 (Pre-General)

Mr. White did not participate in the meeting and did not submit a statement in advance of the meeting. Member Fincher moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was approved by a roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Tennessee Volunteers for Good Government, Case No. 21-11 (Pre-Primary); Tennessee Volunteers for Good Government, Case No. 21-12 (3rd Quarter)

A representative for the PAC did not participate in the meeting and a statement was not submitted in advance of the meeting. Member Lawless moved to assess a civil penalty of \$10,000 each in Case Nos. 21-11 and 21-12, and to issue show cause notices regarding the pre-general and 4th quarter reports as noted in Item 13 of the agenda. Member Fincher seconded the motion, which was approved by a roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Persons Subject to Possible Issuance of Show Cause Notice

Member Morton moved to take the following actions in each item:

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| Julie Byrd Ashworth (4th Q), | <i>Show cause</i> |
| John Allen Brooks, | <i>Take no action</i> |
| Sam Brown, | <i>Show Cause</i> |
| Houston Butler, Jr. (4th Q), | <i>Show cause</i> |
| Bobby Patrick Harrell, | <i>Show cause</i> |
| Melanie Johnson, | <i>Show cause</i> |
| Danny W. Kail, | <i>Show cause</i> |
| Cassandra (CJ) Mitchell, | <i>Take No Action</i> |
| Katrina Robinson, | <i>Show cause</i> |
| Glenn Scruggs, | <i>Take No Action</i> |
| Melody Shekari, | <i>Take No Action</i> |
| Tre Stewart, | <i>Show cause</i> |
| Jarvus Montez Turnley (4th Q), | <i>Show cause</i> |
| Mark Vicors (3rd Quarter), | <i>Take No Action</i> |
| Mark Vicors (4th Quarter), | <i>Take No Action</i> |
| Rob White (4th Quarter), | <i>Show cause</i> |
| Lynnette P. Williams, | <i>Show cause</i> |
| Marion LaTroy A. Williams, Jr. (4th Q), | <i>Show cause</i> |
| C5 PAC, | <i>Take No Action</i> |
| Hickman County Democratic Party, | <i>Take No Action</i> |
| Powell Republican Club, | <i>Take No Action</i> |
| Protect Our Police PAC, | <i>Take No Action</i> |
| Robertson County Democratic Party, | <i>Take No Action</i> |
| TN BLAK-PAK PAC, | <i>Take No Action</i> |
| Williamson County Republican Party, | <i>Show Cause</i> |

Member Lawless seconded the motion, which was unanimously approved by roll call vote, 5-0. (Member Burcham-Dennis was not present for this vote).

Rescind Show Cause Notice

Hamilton County Democratic Party, Case No. 21-09

Member Fincher moved to rescind the show cause notice issued in this matter on the grounds that the show cause should not have been issued. Member Lawless seconded the motion, which was unanimously approved by voice vote.

Other Business

None. The meeting was adjourned.